

**REMARKS**

This paper is filed in response to the Office Action dated November 14, 2005. Claims 1-12 are pending. In the Office Action of November 14, 2005, the Examiner rejected claims 1, 5-7, 10 and 12 as unpatentable in view of Kung et al., U.S. Patent No. 6,826,173 B1 ("Kung") and Beyda, U.S. Patent No. 5,768,347; and rejected claims 2-4, 8, 9 and 11 in view of Kung, Beyda and Zylka, U.S. Patent Application No. 20030068154 A1.

The Examiner's rejections are traversed below on the basis that the claims include novel elements not disclosed in Kung, Beyda or Zylka, either separately or in combination. In particular, as discussed further below, the claims of the present invention include reducing bandwidth during a call after a determination that the called party is unavailable and the calling party will send a multimedia message.

**Claims 1-12 Are Patentable**


The Examiner rejected claims 1, 5-7, 10 and 12 as unpatentable in view of Kung et al., U.S. Patent No. 6,826,173 B1 ("Kung") and Beyda, U.S. Patent No. 5,768,347; and rejected claims 2-4, 8, 9 and 11 in view of Kung, Beyda and Zylka, U.S. Patent Application No. 20030068154 A1. These rejections are respectfully traversed on the basis that these references, considered in combination or separately, fail to disclose certain novel features in the claims. In particular, the references fail to disclose the step of "changing bandwidth requirements for the call if the [calling party] elects to send a multimedia mail message," as recited in claim 1. And the references fail to disclose "a processor-based apparatus that ... changes bandwidth requirements for the call if the [calling party] elects to send a multimedia mail message," as recited in claim 7. The failure of the references to disclose all the elements of the claims defeats a *prima facie* case of obviousness.

In the Examiner's rejections, the Examiner indicates that Kung discloses "a multimedia gateway [that] is configured to monitor and negotiate bandwidth and make adjustments according to users selected QoS." Nonetheless, having a general capability to managing bandwidth, as taught in Kung, is not the same as changing bandwidth requirements for a call if the calling party elects to send a multimedia mail message, as recited in the claims. The adjustment of the bandwidth in the course of the call in response to a determination that a calling party will leave a multimedia message advantageously reduces previously allocated bandwidth, which reduces the resources needed and makes the call more efficient. The additional cited prior art fails to provide the teachings missing from Kung. Hence, claims 1 - 12, each of which include the requirement of changing bandwidth requirements for a call if the calling party elects to send a multimedia mail message, are novel and non-obvious.

### **CONCLUSION**

All pending claims are in condition for allowance. Allowance at an early date is solicited.

Respectfully submitted,



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